

**IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF MISSISSIPPI
WESTERN DIVISION**

MICHAEL GOMOLUH

PLAINTIFF

VS.

CIVIL ACTION NO.:3:08-CV-58-DAS

**MICHAEL J. ASTRUE,
COMMISSIONER OF SOCIAL SECURITY ADMINISTRATION**

DEFENDANT

FINAL JUDGMENT

This cause is before the court on the Plaintiff's complaint for judicial review of an unfavorable final decision of the Commissioner of the Social Security Administration regarding his application for disability benefits under Title II of the Social Security Act, 42 U.S.C.

§ 405(g). The parties have consented to entry of final judgment by the United States Magistrate Judge under the provisions of 28 U.S.C. § 636(c), with any appeal to the Court of Appeals for the Fifth Circuit. The court, having reviewed the record, the administrative transcript, the briefs of the parties, and the applicable law and having heard oral argument, finds as follows, to-wit:

For the reasons advanced by the court on the record at the conclusion of the parties' oral argument, the court finds that the decision of the Commissioner of Social Security is not supported by substantial evidence, and the same is hereby reversed and **REMANDED** for further proceedings not inconsistent with the court's oral ruling. On remand, the Commissioner shall assign the case to a new ALJ, who shall give further consideration to the claimant's mental impairment and the combined effect of all of the claimant's impairments on his RFC. And, if necessary, the ALJ shall refer the claimant for an additional consultative mental examination

and/or obtain evidence from a vocational expert to clarify the effect of all of the claimant's assessed limitations on his occupational base.

SO ORDERED AND ADJUDGED this, the 6th day of August, 2009.

/s/ David A. Sanders
U. S. MAGISTRATE JUDGE